

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

LEJANDRA D. HERMAN,	)	
	)	
Petitioner,	)	
	)	
v.	)	3:04-CR-131
	)	3:07-CV-304
UNITED STATES OF AMERICA	)	(VARLAN/SHIRLEY)
	)	
Respondent.	)	

**JUDGMENT ORDER**

In accordance with the accompanying Memorandum, the government's motion to dismiss is **GRANTED**. The motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 is **DENIED** as time-barred and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is **DENIED**. The court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, this court hereby **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

**ENTER :**

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT  
s/ Patricia L. McNutt  
CLERK OF COURT